

**Current and Proposed Status
Gentrification Code Amendments Phase I
Updated Recommendations 11/9/04**

City staff in the Department of Neighborhood Housing and Community Development and the Neighborhood Planning and Zoning Department has identified code amendments that could potentially mitigate gentrification pressures in East Austin by increasing the potential to build new housing. This strategy was highlighted in the Staff Task Force On Gentrification in East Austin Report submitted to the City Council on March 13, 2003.

Several of the amendments would affect the -MU combining district. While -MU already allows multi-family development, it does not currently allow small-lot single family detached, two-family residential, or single-family attached. Moreover, Urban Home, Cottage Lot, or Secondary Apartment cannot be used in -MU districts in planning areas that select these tools.

While these amendments alone will not increase housing supply to the degree needed to exert significant downward pressure on the demand for housing, they are intended to be the first part of a larger package of code amendments to facilitate the construction of new housing.

Name of Amendment	Current Status	Proposed Change	Comments
Small Lot Subdivisions in - MU, SF-5, SF-6	Current code prohibits small lot subdivisions in the -MU combining district and more permissive single-family zoning districts (SF-5 and SF-6) without a zoning change.	Allow small lot subdivisions in the -MU combining district and SF-5 and SF-6 zoning districts.	Small-lot subdivision site development standards would supersede base zoning district standards to the extent of conflict.
<i>(Neighborhood Planning Areas only)</i> Urban Home, Cottage Lot, Secondary Apartment in -MU	These planning tools are not permitted uses in the -MU combining district.	Allow urban homes, cottage lots, and secondary apartments, in the -MU combining district <i>in neighborhood planning areas or subdistricts that have adopted these planning tools.</i>	Cottage / Urban Home Lots built on commercial-MU zoning would use the site development standards for Cottage / Urban Home Lots found in 25-2-1422 and 25-2-1444.
Two-family residential, single-family attached, and condominium residential in -MU	Two-family residential, single-family attached, and condominium residential are not listed as permitted uses in the -MU combining district.	Add two-family residential, single-family attached, condominium residential to the list of permitted uses in -MU.	These three uses are permitted in all multi-family districts but are inexplicably not currently permitted in -MU.
SF-3 standards (excluding front setback) for single-family uses in MU and MF districts.	Single-family uses can be built with MU and MF site development standards currently.	Single-family uses in MU and MF districts will comply with SF-3 site development standards (excluding front setback).	This amendment does not affect Small Lot Single-Family Residential Use.
Clarify standards for other residential uses in MU	"Supersedes the base zoning district" language does not speak to -MU, which is technically not a "base" district.	Clarifies site devp't standards for Single Family Attached, Small Lot Single Family, Duplex, and Two Family, built in -MU.	Does not affect multi-family.

ORDINANCE NO. 041118-57

AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE RELATING TO SMALL LOT SINGLE-FAMILY RESIDENTIAL USES, MIXED USE (MU) COMBINING DISTRICTS, SINGLE-FAMILY RESIDENCE SMALL LOT (SF-4A) DISTRICTS, SINGLE-FAMILY RESIDENTIAL USES IN MULTIFAMILY DISTRICTS, URBAN HOME, COTTAGE, AND SECONDARY APARTMENT SPECIAL USES; AND REPEALING SECTIONS 25-2-557 AND 25-2-558(M) OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-3(B)(11) of the City Code is amended to read:

(11) SMALL LOT SINGLE-FAMILY RESIDENTIAL use is the use of a small lot [~~in an SF-4A district~~] for only one detached dwelling unit, other than a mobile home.

PART 2. The table in Section 25-2-491(C) of the City Code is amended to indicate that a "Small Lot Single-Family Residential" use is a permitted use in a SF-4, SF-5, or SF-6 district and a prohibited use in all other districts.

PART 3. The table in Section 25-2-492(C) of the City Code is amended to replace the information in each cell in the column for a "SF-4A" district with a single asterisk, and to amend the endnote identified by a single asterisk to read:

* See Section 25-2-779 (Small Lot Single-Family Residential Uses) [~~25-2-557- (Single-Family Residence Small Lot District Regulations)~~] and Section 25-4-232 (*Small Lot Subdivisions*).

PART 4. Section 25-2-646 of the City Code is amended to read:

§ 25-2-646 MIXED USE (MU) COMBINING DISTRICT PERMITTED USES.

In a mixed use (MU) combining district, the following uses are permitted:

- (1) commercial uses that are permitted in the base district;
- (2) civic uses that are permitted in the base district;

- (3) townhouse residential;
- (4) multifamily residential;
- (5) single-family residential;
- (6) single-family attached residential;
- (7) small lot single-family residential;
- (8) two-family residential;
- (9) condominium residential;
- (10) [(6)] duplex residential;
- (11) [(7)] group residential;
- (12) [(8)] group home, class I (limited);
- (13) [(9)] group home, class I (general); and
- (14) [(10)] group home, class II.

PART 5. Section 25-2-647 of the City Code is amended to read:

§ 25-2-647 MIXED USE (MU) COMBINING DISTRICT REGULATIONS.

- (A) This section applies in a mixed use (MU) combining district.
- (B) A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
- (C) A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).
- (D) A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).
- (E) A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).
- (F) A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).

(G) This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.

- (1) ~~[(A)]~~ In a mixed use (MU) combining district that is combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:
 - ~~(a) [(1)]~~ 3,600 square feet, for an efficiency dwelling unit;
 - ~~(b) [(2)]~~ 4,000 square feet, for a one bedroom dwelling unit; and
 - ~~(c) [(3)]~~ 4,400 square feet, for a dwelling unit with two or more bedrooms.
- (2) ~~[(B)]~~ In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:
 - ~~(a) [(1)]~~ 1,600 square feet, for an efficiency dwelling unit;
 - ~~(b) [(2)]~~ 2,000 square feet, for a one bedroom dwelling unit; and
 - ~~(c) [(3)]~~ 2,400 square feet, for a dwelling unit with two or more bedrooms.
- (3) ~~[(C)]~~ In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services - liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:
 - ~~(a) [(1)]~~ 800 square feet, for an efficiency dwelling unit;
 - ~~(b) [(2)]~~ 1,000 square feet, for a one bedroom dwelling unit; and
 - ~~(c) [(3)]~~ 1,200 square feet, for a dwelling unit with two or more bedrooms.

PART 6. Section 25-2-771 of the City Code is repealed and replaced with a new Section 25-2-771 to read:

§ 25-2-771 SINGLE-FAMILY RESIDENTIAL USE IN A MULTIFAMILY

DISTRICT.

A single-family residential use in a multi-family district must comply with the site development regulations for a family residence (SF-3) district prescribed by Section 25-2-492 (*Site Development Regulations*).

PART 7. Chapter 25-2 of the City Code is amended to add a new Section 25-2-779 to read:

§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.

- (A) This section applies to a small lot single-family residential use.
- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.
- (D) The minimum lot size is:
 - (1) 3,600 square feet; or
 - (2) for a corner lot, 4,500 square feet.
- (E) A lot that fronts on a cul-de-sac must have:
 - (1) a chord width of not less than 33 feet at the front lot line;
 - (2) a width of not less than 40 feet at the front yard setback line; and
 - (3) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
- (F) The maximum height for a structure is 35 feet.
- (G) The minimum front yard setback is 15 feet.
- (H) The minimum street side yard setback is 10 feet.
- (I) The minimum interior side yard setback is three and one-half feet, except:
 - (1) an interior side yard setback is not required if the interior side yard is adjacent to property zoned SF-4A; and
 - (2) the combined width of the interior side yards of a lot may not be less than seven feet.

(J) The minimum rear yard setback is five feet, excluding easements.

(K) The minimum setback between a rear access easement and a building or fence is 10 feet.

(L) The maximum building coverage is 55 percent.

(M) The maximum impervious cover is 65 percent.

(N) A small lot single-family use must comply with the requirements of Section 25-4-232 (*Small Lot Subdivisions*).

PART 8. Section 25-2-1422 of the City Code is amended to read:

§ 25-2-1422 URBAN HOME PERMITTED IN CERTAIN ZONING DISTRICTS.

An urban home special use is permitted in the following zoning [base] districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district; [and]
- (9) multifamily residence highest density (MF-6) district; and
- (10) mixed use (MU) combining district.

PART 9. Section 25-2-1442 of the City Code is amended to read:

§ 25-2-1442 COTTAGE PERMITTED IN CERTAIN ZONING DISTRICTS.

A cottage special use is permitted in the following zoning [base] districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;

- (3) townhouse and condominium residence site (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district; ~~[and]~~
- (9) multifamily residence highest density (MF-6) district; and
- (10) mixed use (MU) combining district.

PART 10. Section 25-2-1462 of the City Code is amended to read:

§ 25-2-1462 SECONDARY APARTMENT PERMITTED IN CERTAIN ZONING DISTRICTS.

A secondary apartment special use is permitted in the following zoning [base] districts:

- (1) single-family residence large lot (SF-1) district;
- (2) single-family residence standard lot (SF-2) district;
- (3) family residence (SF-3) district;
- (4) urban family residence (SF-5) district;
- (5) townhouse and condominium residence (SF-6) district;
- (6) multifamily residence limited density (MF-1) district;
- (7) multifamily residence low density (MF-2) district;
- (8) multifamily residence medium density (MF-3) district;
- (9) multifamily residence moderate-high density (MF-4) district;
- (10) multifamily residence high density (MF-5) district; ~~[and]~~
- (11) multifamily residence highest density (MF-6) district; and
- (12) mixed use (MU) combining district.

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PART 11. Sections 25-2-557 and 25-2-558(M) of the City Code are repealed.

PART 12. This ordinance takes effect on December 6, 2004.

PASSED AND APPROVED

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<u>November 18</u> , 2004	§	<u>Will Wynn</u>
		Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A. Brown
City Clerk